REMARKS/ARGUMENTS

Claims 1-19 are cancelled in this amendment. New claims 20-30 have been added.

Election/Restriction

New claims 20-30 are consistent with the prior restriction requirement and are drawn to a method for administering a biopolymer, thereby providing hemostasis. Support for independent claims 20, 29 and 30 can be found in paragraphs [0026], [0032], and [0057] and elsewhere in the application. No new matter has been added.

Specification

The examiner objected to the disclosure because of the misspelling of "chondroitin sulfates" as "condroitin sulfates." This misspelling has been corrected in this amendment.

Claim Rejections – 35 USC § 112

Claims 2-5 were rejected under 35 U.S.C., first paragraph, as not being enabled for hemostasis utilizing "any biopolymer" nor the prevention of organ adhesion using "any polymer." Applicant notes that this application is directed to the administration of a biopolymer having hemostatic or adhesion preventing functions, not to the biopolymers itself. Applicant teaches a method for administering this class of biopolymers directly and only to the surgical or wound site. The method of administration does not depend on the specific biopolymer. Hemostatic agents are well known in the medical field. (See attached document by Dr. Ongkasuwan). A person having ordinary skill in the art would be able to determine whether a given biopolymer had hemostatic or anti-adhesion properties. Furthermore, this same person skilled in the art would be able to establish whether the method of the present invention can be used to administer a particular hemostatic or anti-adhesion biopolymer without undue experimentation.

Claims 2-5, 11, 15-16 and 18 were rejected under 35 U.S.C. 112, second paragraph for a number of reasons as specified on pages 6 to 9 of the Office Action.

The subject claims have been cancelled in favor of new claims 20 to 30. The terms that the Examiner deems vague or indefinite are no longer in the pending claims or are used clearly.

Claim Rejections – 35 USC § 103

Claims 2-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ferdman et al. The Ferdman reference discloses a method for applying a particulate hemostatic agent to living tissue. Ferdman only administers dried particles, not a gel compound as required in all of the currently pending claims. Ferdman also fails to disclose or suggest the step of "mixing liquid with the mixed-phase fluid."

Claims 10-14, 16, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ferdman et al. as applied to claims 2-5 above, and further in view of Stilwell et al. or Stroetmann. Stilwell is directed to calcium modified oxidized cellulose haemostat. Stroetmann is directed to an enriched plasma derivative for enhancement of wound closure and coverage. Both of them in combination with Ferdman do not disclose the gel compound or "mixing liquid with the mixed-phase fluid" as required in the pending claims.

Finally, claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferdman et al and Stilwell et al. or Stroetmann et al. as applied to claims 10-14 and 16 above, and further in view of Kato. Kato is directed to a mass spectrometry apparatus and this art is not analogous to a method of administering biopolymers. As in the previous remarks, Kato also does not provide any teaching of the gel compound or "mixing liquid with the mixed-phase fluid."

In light of the preceding arguments, applicant respectfully submits that the pending claims are patentable over the cited references and are allowable.

CONCLUSION

If the Examiner has any questions or suggested Examiner's amendments, the Examiner is respectfully requested to call the undersigned.

The Commissioner is hereby authorized to charge any additional fees, or to credit any overpayment, to Deposit Account No. 50-3195.

Respectfully submitted,
OSTRAGER CHONG FLAHERTY & BROITMAN P.C.

Date: January 10, 2007

By /Manette Dennis/

Manette Dennis (Reg. No. 30,623)
570 Lexington Avenue, Floor 17
New York, NY 10022-6894
Tel.: 212 681-0600
Fax: 212 681-0300
mdennis@ocfblaw.com

Appendix:
1. Hemostatic Agents